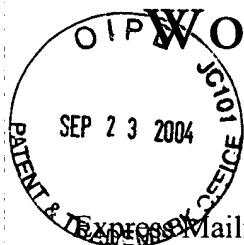


R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RICHTER  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGHE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †  
RYAN N. FARR \*  
JAMES B. BELSHE



# WORKMAN | NYDEGGER

**INTELLECTUAL PROPERTY ATTORNEYS**

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

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APPLICATION  
Docket No. 13447.43

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

E. Marlowe Goble et al.

Serial No.:

10/798.665

**Filed:**

March 11, 2004

Confirmation No.:

6304

For:

# IMPLANTS AND RELATED METHODS AND APPARATUS FOR SECURING AN IMPLANT ON AN ARTICULATING SURFACE OF AN ORTHOPEDIC JOINT

## Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed May 28, 2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- X A Combined Declaration and Power of Attorney executed by the inventors.
- X An Assignment conveying the invention jointly to MedicineLodge, Inc. and Zimmer, Inc., including a Form PTO-1595 recordation cover sheet.

- ☐ A Declaration Claiming Small Entity Status Pursuant to 37 C.F.R. § 1.9 and § 1.27.
- ☐ The present application claims entitlement to Small Entity Status under 37 CFR §§ 1.9 and 1.27.
- ☒ A copy of the filing receipt with requested changes marked thereon.
- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application.
- ☒ A Certificate of Express Mail under 37 C.F.R. § 1.10.
- ☒ To render the Response timely filed, enclosed is a Petition for a two-Month Extension of Time.

The filing fee has been calculated as shown below.

			SMALL ENTITY		LARGE ENTITY	
FOR	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$385		\$770
TOT. CLAIMS	-20=		X 9=		X 18=	
IND. CLAIMS	-3=		X 43		X 86=	
MULTIPLE DEPENDENT CLAIM			+140=		+280=	
			<b>TOTAL</b>		<b>TOTAL</b>	

- ☒ Form PTO-2038 submitting Credit Card Payment in the amount of \$590.00 is enclosed to cover:
- ☐ The \$\_\_\_\_\_ government filing fee.
- ☒ The \$40.00 recordation fee of the enclosed assignment.
- ☒ The \$420.00 fee to cover the extension of time.
- ☒ The \$130.00 surcharge fee pursuant to 37 C.F.R. § 1.16(e).

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 23-3178.

- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.

  X   Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

  X   Any patent application processing fees under 37 C.F.R. § 1.17.

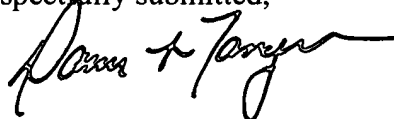
       The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  X   A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with this case to the attention of the undersigned.

DATED this 23<sup>rd</sup> day of September 2004.

Respectfully submitted,



DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

SEP 23 2004

THE UNITED STATES PATENT AND TRADEMARK OFFICE

E. Marlowe Goble et al.

Art Unit  
3738

6304

**For: IMPLANTS AND RELATED METHODS AND APPARATUS FOR SECURING AN IMPLANT ON AN ARTICULATING SURFACE OF AN ORTHOPEDIC JOINT**

I hereby certify that the following documents are being deposited with the United States Postal Service as Express mail, postage prepaid, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23<sup>rd</sup> day of September 2004:

- Response to Notice to File Missing Parts of Nonprovisional Application (3 pgs.) (in duplicate)
- Form PTO-2038 submitting Credit Card Payment in the amount of \$590
- Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages)
- Petition for an Extension of Time (2 pages) (in duplicate)
- Combined Declaration and Power of Attorney (6 pages)
- Assignment with Form PTO-1595 (5 pages)
- Copy of filing receipt (1 page)
- Postcard

James F. Taylor

DLT:dfw  
DFW0000011794V001

09-24-04

Page 1 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/798,665	03/11/2004	E. Marlowe Goble	13447.43

CONFIRMATION NO. 6304

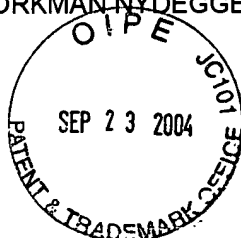
## FORMALITIES LETTER



\*OC000000012807253\*

022913

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)  
 60 EAST SOUTH TEMPLE  
 1000 EAGLE GATE TOWER  
 SALT LAKE CITY, UT 84111



Date Mailed: 05/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

09/27/2004 AWONDAF1 00000055 10798665

01 FC:1051

130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'M. J. Smith', is written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE